

**MINUTES**  
**GOVERNMENT OVERSIGHT COMMITTEE**  
**September 24, 2009**

The Joint Government Oversight Committee met September 24, 2009 in room 103, the Supreme Court Chamber at the Capitol.

Representative Lensing, Chair, called the meeting to order at 9:05 a.m. Other members present were:

Senator Rich Olive, Chair

Senator Tom Courtney, Vice Chair

Senator Pat Ward, Ranking Member

Senator Steve Soddors

Representative Wayne Ford, Vice Chair

Representative Ralph Watts, Ranking Member

Representative Clel Baudler

Representative Deborah Berry

Representative Steven Olson

Representative Kent Sorenson

Representative Kurt Swaim

Representative Wes Whitehead

The following members were excused: Senator Ron Wieck

**MINUTES**

Representative Lensing made a motion to approve the minutes from the previous meeting. No changes were noted. The Committee approved the minutes from the June 11, 2009 meeting.

**OVERVIEW**

The primary focus of the meeting concerned an update regarding the Honey Creek Destination Resort Park, a discussion of recycling and related waste management issues, a review of proposed legislation relating to Department of Natural Resources emergency authority, a panel discussion regarding the H1N1 influenza and efforts being undertaken to address it, implementation of recommendations made by the Governor's Task Force on Dependent Adults with Mental Retardation, an update on the Grants Enterprise Management System, and a presentation relating to state compliance with federal requirements under the federal American Recovery and Reinvestment Act of 2009.

**OPENING COMMENTS BY CHAIRPERSON**

In response to Member inquiry, Representative Lensing indicated that discussion of issues which have arisen in connection with the state's film tax credit program will await completion of investigations and analyses being conducted by the State Auditor's Office and the Office of the Attorney General.

**HONEY CREEK DESTINATION RESORT PARK**

Presenters:

Ms. Patricia Boddy, Deputy Director, Department of Natural Resources (DNR)

Ms. Michelle Wilson, Project Manager, Honey Creek Destination Resort Park

Ms. Boddy provided an update and status report regarding operation of the Honey Creek Destination Resort Park. Ms. Boddy characterized the resort as a major undertaking involving a large number of public and private sector partnerships; identified Central Group Companies, Inc. as the entity responsible for resort operations and management, marketing and sales, and financial reporting; and displayed a variety of interior and exterior pictures of the resort. She indicated that after a slow post-season opening in September 2008, momentum has been building, with advertising and promotional efforts resulting in significant group sales and special event bookings and an occupancy rate that is increasingly competitive with other comparable facilities. Ms. Boddy stated that challenges racing the resort have included construction delays and costs, inclement weather and resultant flooding, the impact of the economic downturn on the hotel and recreation industry, the lack of an operating history for the resort, and the necessity of making semi-annual bond payments underpinning the financing of the project. In response to committee inquiry, Ms. Boddy stated that DNR is bearing full financial responsibility for a project with statewide impact, and is actively seeking grant opportunities and other sources of additional funding for remaining projects associated with the resort, so that a larger proportion of revenue will be available for bond repayments.

## **RECYCLING AND WASTE MANAGEMENT**

Presenter: Mr. Brian Tormey, Chief, Land Quality Bureau, DNR

Mr. Tormey addressed state and local recycling and waste management efforts. Mr. Tormey summarized several pieces of enabling legislation which, collectively, established a state policy of reduced reliance on land disposal of waste, landfill requirements, an increased state solid waste tonnage fee, statewide waste reduction and recycling goals, local government responsibility for establishing comprehensive waste reduction programs, landfill bans, and reduction goals and financial incentives and disincentives relating to attaining them. Mr. Tormey distributed a handout depicting distribution of the tonnage fee for a variety of program funding purposes, supplied FY 2008 tonnage fee totals, provided a breakdown of integrated solid waste management infrastructure, and discussed increasingly successful residential recycling efforts and the development of the Regional Collection Center Network. He additionally addressed progress being made in landfill diversion efforts, and compared and interpreted diversion rates for FY2007 against those from FY1994. Challenges identified by Mr. Tormey relating to ongoing waste reduction and recycling included the fact that the tonnage fee methodology utilizes a 1988 baseline which must be adjusted for changes in population, employment, and retail sales tax and which does not account for out-of state direct landfill hauling, the lack of a credit for toxicity reduction, the impact of anti-illegal dumping and burning bans on planning areas, the limitation imposed by a fifty percent goal maximum or ceiling, and the fact that a funding plateau is currently being experienced.

## **EMERGENCY AUTHORITY LEGISLATION**

Presenter: Mr. David Wornson, Attorney, Legal Services Bureau, DNR

Mr. Wornson discussed legislation proposed during the 2009 legislative session (HSB 288) relating to the authority of the director of DNR in disaster emergencies. The proposed bill would expand the authority of the director to allow the suspension of certain statutes and administrative rules if strict compliance therewith would negatively impact necessary action in responding to the emergency, and to issue orders and adopt rules and policies necessary to assist with an emergency response. Mr. Wornson indicated that the legislation was an outgrowth of questions which arose in connection with the 2008 flooding involving potential conflicts between emergency rules and policies and existing statutes and requirements, whether conflicting statutes could be suspended during an emergency situation, and whether the position of some federal agencies to

maintain standards and requirements during an emergency but to "non-enforce" violations was satisfactory. Committee discussion included a recommendation that a time certain, such as a thirty-day renewable period, be added to the legislation regarding the duration of the director's emergency authority; and that alternative approaches could include developing an emergency response framework which would be triggered by the declaration of an emergency and the development of rules offering guidance in emergencies by the Environmental Protection Commission.

## **H1N1 INFLUENZA -- IDENTIFICATION AND RESPONSE**

Presenters:

Mr. Chris Atchison, Director, Hygienic Laboratory, University of Iowa

Dr. Patricia Winokur, Professor and Associate Dean, Clinical and Translational Science,  
Department of Internal Medicine, University of Iowa

Dr. Ann Garvey, State Public Health Veterinarian, Iowa Department of Public Health (IDPH)

Ms. Marnell Kretschmer, CDC Public Health Advisor, IDPH Bureau of Immunization and  
Tuberculosis

Elaine Watkins-Miller, Communications Consultant, Department of Education

Mr. Atchison outlined the Hygienic Lab's role in conducting pre-pandemic planning since 2005, positioning it to handle a large volume of influenza testing when currently faced with both seasonal and H1N1 influenza outbreaks. Mr. Atchison presented testing volume statistics, indicated that the average test turnaround was 22 hours, compared manual to robotic specimen processing volumes, and identified factors contributing to testing success. He stated that heading into the Fall 2009, it is clear that the H1N1 virus did not die out but has instead mutated, that the hygienic lab is one of only three selected by the Centers for Disease Control (CDC) to grow the virus, and that two additional CDC fellows have been obtained to provide assistance. Mr. Atchison also provided an estimated projected cost breakdown through March 2010 for H1N1 testing.

Dr. Winokur discussed the novel characteristics of the H1N1 influenza, and indicated that it can take between 28 - 40 weeks between the time a pandemic strain is identified and a vaccine is ready for distribution. She noted that production of the H1N1 vaccine earlier this year began several months after production of the seasonal influenza vaccine and was undertaken by facilities already engaged in seasonal vaccine production, and identified as priority goals for vaccine trials the issues of one versus two doses, sequential order of the H1N1 and seasonal vaccines, and whether or not an adjuvant compound should be administered with the vaccine. Dr. Winokur stated that the University of Iowa was selected as one of eight vaccine and treatment evaluation units in the country, and summarized the H1N1 vaccine trial process. She additionally discussed H1N1 vaccine dosage recommendations, side-effects, distribution priority, and estimated vaccine supplies.

Dr. Garvey and Ms. Kretschmer identified and discussed as key components of a national framework for H1N1 preparedness and response surveillance efforts to increase awareness, mitigation measures to slow the spread of the disease, vaccination, and a communication and education campaign. The role of IDPH in response to H1N1 was described to include formation of an internal H1N1 Task Force; conducting incident command training for department staff; increasing surveillance efforts; increasing storage and distribution capacity for pharmaceuticals and supplies; coordinating and sharing information with federal, state, and local partners; posting and updating information on applicable websites and networks; and public education. Dr. Garvey also addressed H1N1 symptoms, protective measures to impede disease spread, supplies being

stockpiled, allocation and distribution of the vaccine and related supplies, and tracking and monitoring of side-effects and vaccine effectiveness.

Ms. Watkins-Miller described efforts being undertaken jointly between the department and IDPH to furnish information and assistance to K-12 school districts, childcare programs, community colleges, and other institutions of higher education regarding H1N1 statistics, vaccine availability, and prevention.

### **GOVERNOR'S TASK FORCE ON DEPENDENT ADULTS WITH MENTAL RETARDATION**

Presenter: Mr. John McCalley, Director, Iowa Department on Aging, and Chair of the Governor's Task Force

Mr. McCalley provided an update regarding the status of the individuals previously living in Atalissa, implementation efforts regarding Task Force recommendations, and additional adult abuse investigations. He indicated that the majority of Atalissa workers remain in the state, and are either engaged in a work or transition-to-work setting or have retired. Mr. McCalley discussed implementation of SF 484, which was enacted during the 2009 Legislative Session in response to the Atalissa situation and established regulatory requirements involving boarding homes and dependent adults. He stated that there are 12 cases alleging dependent adult abuse currently under investigation by the Department of Inspections and Appeals, conducted in coordination with several other agencies and utilizing a best practices approach, and further stated that cost offsets are being obtained through the Medicaid fraud control unit for boarding home inspections. Additionally, Mr. McCalley discussed a lack of clarity regarding the definition of dependent adult abuse and efforts to counter this with a public education and outreach campaign, and the receipt of grant funding to conduct a summit conference relating to meaningful work opportunities for dependent adults. He identified as ongoing issues some overlap in the definition of boarding home with other forms of long-term care facility, the rapid closure of residential care facilities around the state, and the challenge of reaching and effectively representing individuals who may be experiencing dependent adult abuse.

### **GRANTS ENTERPRISE MANAGEMENT SYSTEM (GEM\$)**

Presenter: Ms. Kathy Mabie, Management Director, Iowa Department of Management

Ms. Mabie provided another in a series of updates regarding the status of GEM\$. Ms. Mabie discussed implementation of IowaGrants.gov, a program designed to simplify and expedite the process of identifying and applying for grants by applicants and the awarding and managing of grants by state agencies. She indicated that the system has two primary components, a Grant Notification Portal to be utilized by all state agencies to consolidate grant solicitations or openings, and a Comprehensive Electronic Grant Management System designed to manage all facets of grant application and administration. Ms. Mabie identified core agencies involved in implementation of the system, projected a 22% decrease in grant processing time and an estimated annual administrative efficiency savings of over \$5.0 million, and presented funding expenditures to date and additional funding requests through FY 2013. Ms. Mabie additionally discussed the GEM\$ Technical Assistance Project, which assists participating agencies in the development of grant-seeking priorities, grant projects, funding sources, and grant writing assistance.

### **AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA) -- STATE COMPLIANCE**

Presenter: Mr. Scott Vander Hart, ARRA Data Coordinator, Department of Management

Mr. Vander Hart provided information and a demonstration relating to data elements incorporated into the state's centralized reporting system designed to fulfill reporting responsibilities mandated by the ARRA.

### **OTHER COMMITTEE BUSINESS**

Representative Watts asked for consideration of three potential topics for upcoming meetings. The topics were: 1) a review of the Xenia Rural Water System and Chapter 357A, Code of Iowa in light of the Xenia situation- see if potential for bipartisan fix; 2) Choices v. Kuder – further look at bid approved for the Career Guidance vendor; and 3) a look at Medicaid fraud concerns.

In addition, it was asked if the Committee would revisit the Film Office/tax credit issue. Representative Lensing indicated that after the investigations are completed, the Committee would follow-up on the topic.

### **ACTION ITEMS – FOLLOW UP**

Some questions were asked of the presenters. LSA Staff will follow up with all the specific questions for the agencies.

### **NEXT MEETINGS**

Next meeting via conference call will be Tuesday, October 27, 2009. This will be the last meeting before the next Legislative Session. Meetings will resume when session begins in January 2010.

### **ADJOURNED**

Representative Lensing adjourned the meeting at 3:01 p.m.